



TOWN OF AMENIA

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ZONING BOARD OF APPEALS MEETING MONDAY, JUNE 15, 2015 7:00 P.M.

PRESENT: David Menegat
Terry Metcalfe
Kevin Cassone
Paul Pelosi
David Everett, Attorney

MOTION TO OPEN THE ZONING BOARD OF APPEALS MEETING was made by Terry Metcalfe, seconded by Kevin Cassone

VOTE TAKEN – MOTION CARRIED

**Anthony Masina &
Cecelia Stancell**

Area Variance

**426 Bog Hollow Road
Wassaic, New York**

Mr. Masina presented the Board his DEC permit then gave the Board an overview of his project. There is an existing one car garage and Mr. Masina would like to extend out 10' to the north and 30' out to the back of the property. He was asked if there was a current survey and he stated he did not. He continued there is a 50' piece of land to the north of the property and Mr. Masina has tried to contact the people who own the land but cannot find a good contact. Ten years ago Mr. Masina got a variance from the ZBA on the same spot. Mr. Everett suggested the Board must decide if a survey is necessary so the Board could decide what type of variance is needed.

Dave Menegat asked if having just one line shot for the survey would suffice. Mr. Everett stated Mr. Masina in addition to the side yard; he would also need a front and back yard variance, so a full survey would be beneficial. Kevin Cassone asked if there were any stone markers on the land. Mr. Masina stated there were two stakes on the north side however these are metal stakes.

Mr. Everett noted with adverse possession, the law changed about 15 years ago, one cannot get adverse possession on a piece of property by just mowing it. Mr. Masina is still pursuing the owner to see if he would sell, however there are back taxes owed on the property.

Mr. Masina stated that the variance he was approved for ten years ago includes the porch on the back of the house. This would not exceed the distance in the back or front for the new structure, just the side, so was wondering if he would need a variance for those two? Mr. Everett stated he would need a variance, but the argument for the variance is that you are not bringing the structure any closer to the lot line than it already is. The Bog is a DEC and Army Corp wetland and there is a 100' buffer off the wetland. Mr. Masina's house is entirely in the 100' wetland that is why Mr. Everett asked for the DEC Permit. As long as the property owner does not go into the wetland, the DEC is usually able to give the permit and this permit does not have any conditions added.

Mr. Everett stated this would need a Public Hearing and will be referred to Dutchess County Planning as it is on a County Road. Since it is a Type 2 action under SEQRA, no environmental review will be necessary. The Board will require a survey with the well and septic noted.

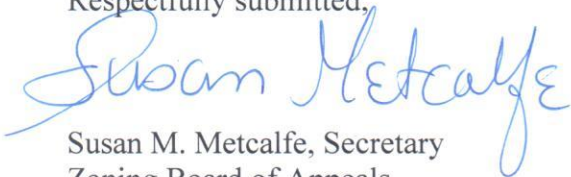
MOTION TO APPROVE THE MINUTES OF APRIL 20, 2015 AND MAY 18, 2015 was made by Paula Pelosi, seconded by Terry Metcalfe

VOTE TAKEN - MOTION CARRIED

Roll:	Paula Pelosi	Yes
	Terry Metcalfe	Yes
	David Menegat	Yes
	Kevin Cassone	No

MOTION TO CLOSE THE ZBA MEETING AT 7:32 P.M. was made by Terry Metcalfe, seconded by David Menegat

Respectfully submitted,



Susan M. Metcalfe, Secretary
Zoning Board of Appeals

The foregoing are unapproved minutes from a meeting held on June 15, 2015 and are not to be construed as final until so approved.

☒ approved as read
☐ approved with: deletions, corrections or additions